

HOUSE BILL No. 1885

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-41-1-23; IC 35-43-5-3; IC 35-43-5-4.

Synopsis: Theft of identity. Specifies that criminal statutes protecting property apply to the protection of the likeness, name, or identity of a person. Specifies that representing a person as another person with the intent to defraud constitutes the crime of fraud.

Effective: July 1, 1999.

Richardson

January 26, 1999, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1885

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-41-1-23 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 23. (a) "Property"
3 means anything of value. The term includes:
4 (1) a gain or advantage or anything that might reasonably be
5 regarded as such by the beneficiary;
6 (2) real property, personal property, money, labor, and services;
7 (3) intangibles;
8 (4) commercial instruments;
9 (5) written instruments concerning labor, services, or property;
10 (6) written instruments otherwise of value to the owner, such as
11 a public record, deed, will, credit card, or letter of credit;
12 (7) a signature to a written instrument;
13 (8) extension of credit;
14 (9) trade secrets;
15 (10) contract rights, choses-in-action, and other interests in or
16 claims to wealth;
17 (11) electricity, gas, oil, and water;

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(12) captured or domestic animals, birds, and fish;

(13) food and drink; ~~and~~

(14) human remains; **and**

(15) the likeness, name, or identity of a person.

(b) Property is that "of another person" if the other person has a possessory or proprietary interest in it, even if an accused person also has an interest in that property.

SECTION 2. IC 35-43-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A person who:

(1) being an officer, manager, or other person participating in the direction of a credit institution, knowingly or intentionally receives or permits the receipt of a deposit or other investment, knowing that the institution is insolvent;

(2) knowingly or intentionally makes a false or misleading written statement with intent to obtain property, employment, or an educational opportunity;

(3) misapplies entrusted property, property of a governmental entity, or property of a credit institution in a manner that the person knows is unlawful or that the person knows involves substantial risk of loss or detriment to either the owner of the property or to a person for whose benefit the property was entrusted;

(4) knowingly or intentionally, in the regular course of business, either:

(A) uses or possesses for use a false weight or measure or other device for falsely determining or recording the quality or quantity of any commodity; or

(B) sells, offers, or displays for sale or delivers less than the represented quality or quantity of any commodity;

(5) with intent to defraud another person furnishing electricity, gas, water, telecommunication, or any other utility service, avoids a lawful charge for that service by scheme or device or by tampering with facilities or equipment of the person furnishing the service;

(6) with intent to defraud, misrepresents ~~the identity of the person or another person~~ the identity or quality of property;

(7) with intent to defraud an owner of a coin machine, deposits a slug in that machine;

(8) with intent to enable the person or another person to deposit a slug in a coin machine, makes, possesses, or disposes of a slug;

(9) disseminates to the public an advertisement that the person knows is false, misleading, or deceptive, with intent to promote

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1 the purchase or sale of property or the acceptance of employment;
 2 (10) with intent to defraud, misrepresents a person as being a
 3 physician licensed under IC 25-22.5; or

4 (11) knowingly and intentionally defrauds another person
 5 furnishing cable TV service by avoiding paying compensation for
 6 that service by any scheme or device or by tampering with
 7 facilities or equipment of the person furnishing the service;

8 commits deception, a Class A misdemeanor.

9 (b) In determining whether an advertisement is false, misleading, or
 10 deceptive under subsection (a)(9), there shall be considered, among
 11 other things, not only representations contained or suggested in the
 12 advertisement, by whatever means, including device or sound, but also
 13 the extent to which the advertisement fails to reveal material facts in
 14 the light of the representations.

15 SECTION 3. IC 35-43-5-4 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. A person who:

17 (1) with intent to defraud, obtains property by:

18 (A) using a credit card, knowing that the credit card was
 19 unlawfully obtained or retained;

20 (B) using a credit card, knowing that the credit card is forged,
 21 revoked, or expired;

22 (C) using, without consent, a credit card that was issued to
 23 another person;

24 (D) representing, without the consent of the credit card holder,
 25 that the person is the authorized holder of the credit card; or

26 (E) representing that the person is the authorized holder of a
 27 credit card when the card has not in fact been issued;

28 (2) being authorized by an issuer to furnish property upon
 29 presentation of a credit card, fails to furnish the property and, with
 30 intent to defraud the issuer or the credit card holder, represents in
 31 writing to the issuer that the person has furnished the property;

32 (3) being authorized by an issuer to furnish property upon
 33 presentation of a credit card, furnishes, with intent to defraud the
 34 issuer or the credit card holder, property upon presentation of a
 35 credit card, knowing that the credit card was unlawfully obtained
 36 or retained or that the credit card is forged, revoked, or expired;

37 (4) not being the issuer, knowingly or intentionally sells a credit
 38 card;

39 (5) not being the issuer, receives a credit card, knowing that the
 40 credit card was unlawfully obtained or retained or that the credit
 41 card is forged, revoked, or expired;

42 (6) with intent to defraud, receives a credit card as security for

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debt;

(7) receives property, knowing that the property was obtained in violation of subdivision (1) of this section;

(8) with intent to defraud the person's creditor or purchaser, conceals, encumbers, or transfers property;

(9) with intent to defraud, damages property;

(10) knowingly and with intent to defraud, makes, utters, presents, or causes to be presented to an insurer, a claim statement that contains false, incomplete, or misleading information concerning the claim; **or**

(11) knowingly or intentionally:

(A) sells;

(B) rents;

(C) transports; or

(D) possesses;

a recording for commercial gain or personal financial gain that does not conspicuously display the true name and address of the manufacturer of the recording; **or**

(12) with intent to defraud, misrepresents the identity of the person or another person;

commits fraud, a Class D felony.

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